

Remarks

The Final Office Action of January 23, 2009 has been carefully considered.

Claims 33 - 60 are presently pending.

The 35 U.S.C. §§ 103

Claims 33 – 35, 40 - 51 and 57 - 60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,206,697 to Harter ("Harter") in view of U.S. Patent No. 4,558,609 to Kim. This rejection is traversed. The combination of Harter and Kim fail to teach or suggest the claimed invention. Moreover, Kim is directed to a joystick controller used for controlling the operation of certain electronic games. Accordingly, Kim is non-analogous art and not properly combined with Harter.

Harter does not disclose an edged weapon. Rather Harter is directed to a foil or epee, which only utilizes the point of the weapon. This distinction is important because the device of Harter is only concerned with recognizing contact at the tip of the blade. Because of the nature of fencing or epee, the device is specifically designed for the detection of contact at the tip; it does not detect movement of the blade in any direction. It does not do this because such movement is not contemplated or relevant when using a foil or epee.

In contrast, the claimed invention is directed toward a simulated sharp edged weapon. The simulated weapon is designed to detect movement in a plurality of directions because it simulates a weapon that is used in a plurality of directions. Structurally, the housing being at least part of a handle and detecting movement in a plurality of directions is more complex than simply detecting contact at the tip. In addition, the Harter device actually includes an additional separate housing (second bell

16) to protect the electrical components. Such additional shielding creates a bulkier epee or foil and therefore is not as effective as a training tool.

The Final Office Action relies on Kim as teaching the elements not taught in Harter. Kim, however, does not teach these elements and is not properly combined with Harter. Kim is directed to a joystick for controlling a videogame. One skilled in the art of weapons (simulated or otherwise) or weapons training would not look to the teachings of Kim (a joystick) to modify Harter (a foil) to create a simulated sharp edged weapon. First, as discussed above, there is nothing in Harter to be modified. Harter completely addresses the objects of the invention, i.e., detecting contact at the tip of an epee or foil.

More importantly, joysticks are not analogous to simulated weapons. Joysticks are used to control an action on a videogame screen. The claimed simulated edged weapon is stand alone device. Accordingly, the structure of the joystick is different from the structure of the claimed simulated weapon. The joystick of Kim utilizes multiple switches and multiple actuators to accomplish the function of controlling the operation of an electronic game.

Additionally, the joystick is structured to provide an unlimited tilting movement of the joystick, this function does not simulate a sharp edged weapon, does not utilize a tang as claimed, and would require undue experimentation and modifications not taught in the prior art in order to combine the references in the manner suggested to meet the claimed invention. This combination would also render the primary reference unsatisfactory for its intended purpose.

In contrast, the invention as claimed is structured to complete one circuit when the blade is in any one of a plurality of second positions indicating a force resulting from contact with the edged weapon and open the circuit when in the first position indicating no contact. The invention as claimed is structured to detect and alert of contact that is consistent with an edged weapon. Kim does not teach such a feature as it is structured to accomplish an entirely different function.

Claims 33 – 35, 40 - 51 and 57 - 60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,206,697 to Harter ("Harter") in view of U.S. Patent No. 4,558,609 to Kim, and in further view of U.S. Patent No. 4,772,028 to Rockhold et al.

Conclusion

The instant application is believed to be in condition for allowance. A Notice of Allowance of Claims 33 - 60 is respectfully requested. The Examiner is invited to telephone the undersigned at (908) 722-0700 if it is believed that further discussions, and/or additional amendment would help advance the prosecution of the instant application.

If any extension of time for this response is required, applicants request that this be considered a petition therefore. Please charge any required petition fee to Deposit Account No. 14-1263.

Respectfully submitted,

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